

JOURNAL OF THE SENATE

EIGHTY-EIGHTH SESSION

THIRD DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, January 10, 2013

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Paul Bly, followed by the Pledge of Allegiance led by Senate page Willo Pretends Eagle.

Roll Call: All members present except Sen. Krebs who was excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the second day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

1 The oath of office was administered by the President to the following named persons

2 Intern Rebecca Lien
3 Senator Bruce Rempelberg

4 Which were subscribed to and placed on file in the office of the Secretary of State.

5 **CONSIDERATION OF REPORTS OF JOINT-SELECT COMMITTEES**

6 Sen. Olson moved that the report of the Joint-Select Committee relative to the Joint Rules
7 for the Eighty-eighth Legislative Session as found on page 18 of the Senate Journal be adopted.

8 The question being on Sen. Olson's motion that the report of the Joint-Select committee
9 relative to the Joint Rules as found on page 18 of the Senate Journal be adopted.

10 And the roll being called:

11 Yeas 34, Nays 0, Excused 1, Absent 0

12 Yeas:

13 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
14 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup
15 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden; Soholt;
16 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

17 Excused:

18 Krebs

19 So the motion having received an affirmative vote of a majority of the members-elect, the
20 President declared the motion carried and the report was adopted.

21 Sen. Olson moved that the report of the Joint-Select Committee relative to legislative days
22 for the Eighty-eighth Legislative Session as found on page 19 of the Senate Journal be adopted.

23 Which motion prevailed.

24 Sen. Olson moved that the report of the Joint-Select Committee relative to the memorial
25 service for the Eighty-eighth Legislative Session as found on page 19 of the Senate Journal be
26 adopted.

27 Which motion prevailed.

1 Sen. Olson moved that the report of the Joint-Select Committee relative to compensation
2 for the Eighty-eighth Legislative Session as found on page 20 of the Senate Journal be adopted.

3 The question being on Sen. Olson's motion that the report of the Joint-Select committee
4 relative to fixing compensation for the Eighty-eighth Legislative Session be adopted.

5 And the roll being called:

6 Yeas 34, Nays 0, Excused 1, Absent 0

7 Yeas:

8 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
9 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup
10 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden; Soholt;
11 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

12 Excused:

13 Krebs

14 So the motion having received an affirmative vote of a majority of the members-elect, the
15 President declared the motion carried.

16 Sen. Olson moved that the report of the Joint-Select committee relative to the distribution
17 of official documents as found on page 21 of the Senate Journal be adopted.

18 Which motion prevailed.

19 Sen. Olson moved that the report of the Joint-Select Committee relative to securing
20 chaplains for the Eighty-eighth Legislative Session as found on page 20 of the Senate Journal
21 be adopted.

22 Which motion prevailed.

23 **MOTIONS AND RESOLUTIONS**

24 Sen. Olson moved that the temporary Senate Rules of the Eighty-eighth Legislative
25 Session be adopted as the permanent Senate Rules of the Eighty-eighth Legislative Session.

26 The question being on Sen. Olson's motion that the temporary Senate Rules of the Eighty-
27 eighth Legislative Session be adopted as the permanent Senate Rules of the Eighty-eighth
28 Legislative Session.

29 And the roll being called:

1 Yeas 34, Nays 0, Excused 1, Absent 0

2 Yeas:

3 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
4 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup
5 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden; Soholt;
6 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

7 Excused:

8 Krebs

9 So the motion having received an affirmative vote of a majority of the members-elect, the
10 President declared the motion carried.

11 Sen. Olson moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
12 January 11, the 4th legislative day.

13 Which motion prevailed.

14 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

15 SB 53 Introduced by: The Committee on Transportation at the request of the Department
16 of Revenue

17 FOR AN ACT ENTITLED, An Act to expand the application of the farm decal system.

18 Was read the first time and referred to the Committee on Transportation.

19 SB 54 Introduced by: The Committee on Taxation at the request of the Department of
20 Revenue

21 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding references to the
22 Internal Revenue Code.

23 Was read the first time and referred to the Committee on Taxation.

24 SB 55 Introduced by: The Committee on State Affairs at the request of the Department of
25 Revenue

26 FOR AN ACT ENTITLED, An Act to make certain form and style changes regarding the
27 bank franchise tax and to reinstate certain provisions regarding bank acquisitions for the
28 purposes of the distribution of the bank franchise tax.

1 Was read the first time and referred to the Committee on Taxation.

2 SB 56 Introduced by: The Committee on State Affairs at the request of the Department of
3 Revenue

4 FOR AN ACT ENTITLED, An Act to define a credit card bank and to revise certain
5 provisions regarding the distribution of the bank franchise tax.

6 Was read the first time and referred to the Committee on State Affairs.

7 SB 57 Introduced by: The Committee on Transportation at the request of the Department
8 of Revenue

9 FOR AN ACT ENTITLED, An Act to define a biodiesel producer and bulk plant operator
10 and revise certain statutory references and to make certain form and style changes regarding
11 motor fuel taxation.

12 Was read the first time and referred to the Committee on Commerce and Energy.

13 SB 58 Introduced by: The Committee on Transportation at the request of the Department
14 of Revenue

15 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the electronic
16 filing of motor fuel tax reports and the electronic remittance of motor fuel tax.

17 Was read the first time and referred to the Committee on Taxation.

18 SB 59 Introduced by: The Committee on Agriculture and Natural Resources at the request
19 of the Department of Environment and Natural Resources

20 FOR AN ACT ENTITLED, An Act to prohibit the disposal of certain oil and gas field
21 wastes.

22 Was read the first time and referred to the Committee on Agriculture and Natural
23 Resources.

24 SB 60 Introduced by: The Committee on Commerce and Energy at the request of the
25 Department of Labor and Regulation

26 FOR AN ACT ENTITLED, An Act to revise certain definitions regarding the appraisal
27 certification program.

28 Was read the first time and referred to the Committee on Commerce and Energy.

1 SB 61 Introduced by: The Committee on Commerce and Energy at the request of the
2 Department of Labor and Regulation

3 FOR AN ACT ENTITLED, An Act to allow licensed insurance agents to act as consultants
4 in certain circumstances.

5 Was read the first time and referred to the Committee on Commerce and Energy.

6 SB 62 Introduced by: The Committee on Commerce and Energy at the request of the
7 Department of Labor and Regulation

8 FOR AN ACT ENTITLED, An Act to revise certain requirements regarding when an
9 insurer's certificate of authority may be revoked.

10 Was read the first time and referred to the Committee on Commerce and Energy.

11 SB 63 Introduced by: The Committee on Commerce and Energy at the request of the South
12 Dakota Board of Accountancy

13 FOR AN ACT ENTITLED, An Act to revise certain requirements for certified public
14 accountant firms licensed in South Dakota.

15 Was read the first time and referred to the Committee on Commerce and Energy.

16 SB 64 Introduced by: The Committee on Commerce and Energy at the request of the South
17 Dakota Real Estate Commission

18 FOR AN ACT ENTITLED, An Act to revise provisions regarding broker price opinions,
19 comparative market analyses, and appraisals.

20 Was read the first time and referred to the Committee on Commerce and Energy.

21 SB 65 Introduced by: The Committee on Commerce and Energy at the request of the South
22 Dakota Real Estate Commission

23 FOR AN ACT ENTITLED, An Act to revise certain exemptions from licensure by the Real
24 Estate Commission.

25 Was read the first time and referred to the Committee on Commerce and Energy.

26 SB 66 Introduced by: The Committee on Commerce and Energy at the request of the South
27 Dakota Real Estate Commission

1 FOR AN ACT ENTITLED, An Act to revise the style and form of certain provisions, to
2 amend certain provisions to streamline and clarify, and to repeal certain obsolete and
3 unnecessary provisions pertaining to the Real Estate Commission.

4 Was read the first time and referred to the Committee on Commerce and Energy.

5 SB 67 Introduced by: The Committee on Commerce and Energy at the request of the
6 Department of Labor and Regulation

7 FOR AN ACT ENTITLED, An Act to revise the requirements for health maintenance
8 organizations.

9 Was read the first time and referred to the Committee on Commerce and Energy.

10 (Journal correction: See page 49 of the Senate Journal.)

11 SB 68 Introduced by: The Committee on Health and Human Services at the request of the
12 Department of Health

13 FOR AN ACT ENTITLED, An Act to revise the controlled substance schedule and to
14 declare an emergency.

15 Was read the first time and referred to the Committee on Health and Human Services.

16 SB 69 Introduced by: The Committee on Health and Human Services at the request of the
17 Board of Nursing

18 FOR AN ACT ENTITLED, An Act to revise certain provisions of the health professionals
19 diversion program.

20 Was read the first time and referred to the Committee on Health and Human Services.

21 SB 71 Introduced by: Senator Hunhoff (Jean) and Representatives Hunhoff (Bernie) and
22 Stevens

23 FOR AN ACT ENTITLED, An Act to correct the name of a postsecondary institution
24 authorized to provide educational programs in South Dakota.

25 Was read the first time and referred to the Committee on Education.

26 SB 72 Introduced by: Senators Maher and Adelstein and Representatives Cammack,
27 Greenfield, Heinert, and Verchio

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning inspections of
2 food service establishments by the Department of Health.

3 Was read the first time and referred to the Committee on Health and Human Services.

4 SB 73 Introduced by: Senators Maher, Adelstein, and Lederman and Representatives
5 Heinert and Hoffman

6 FOR AN ACT ENTITLED, An Act to repeal certain provisions requiring wholesalers to
7 purchase alcoholic beverages from brand owners, brand owner's agents, or other wholesalers.

8 Was read the first time and referred to the Committee on Commerce and Energy.

9 There being no objection, the Senate reverted to Order of Business No. 7.

10 MESSAGES FROM THE HOUSE

11 MR. PRESIDENT:

12 I have the honor to inform your honorable body that the House has adopted the report of
13 the Joint-Select Committee relative to the Joint Rules for the two houses for the Eighty-eighth
14 Legislative Session.

15 Also MR. PRESIDENT:

16 I have the honor to inform your honorable body that the House has adopted the report of
17 the Joint-Select Committee for the purpose of arranging legislative days for members, officers,
18 and employees of the House and Senate.

19 Also MR. PRESIDENT:

20 I have the honor to inform your honorable body that the House has adopted the report of
21 the Joint-Select Committee relative to setting the compensation schedule for the elective and
22 appointive officers and members of the Eighty-eighth Legislative Session.

23 Also MR. PRESIDENT:

24 I have the honor to inform your honorable body that the House has adopted the report of
25 the Joint-Select Committee relative to making arrangements for the distribution of the official
26 directory, Senate and House Journals, bills, and other legislative printing.

1 Also MR. PRESIDENT:

2 I have the honor to inform your honorable body that the House has adopted the report of
3 the Joint-Select Committee for the purpose of securing chaplains for the Eighty-eighth
4 Legislative Session.

5 Also MR. PRESIDENT:

6 I have the honor to inform your honorable body that the House has adopted the report of
7 the Joint-Select Committee relative to making arrangements for a memorial recognition of
8 deceased former members of the Senate and House.

9 Sen. Bradford moved that the Senate do now adjourn, which motion prevailed and at
10 2:27 p.m. the Senate adjourned.

11 Jeannette Schipper, Secretary